



REMARKS

The Examiner has issued an Official Action requiring restriction between five groups of inventions. The groups identified by the Examiner are:

Group I: Claims 1-8, and 79 drawn to a compound of formula (I) classified in class 544;

Group II: Claims 9-69, 79 and 80, drawn to a compound classified in class 548;

Group III: Claims 70-78, drawn to a method of use of a compound classified in class 514;

Group IV: Claims 81-86 drawn to a process for preparing a compound classified in class 548,

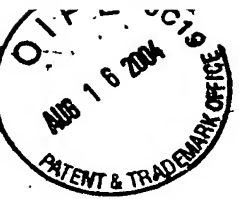
Group V: Claim 87, drawn to another process for preparing a compound classified in claims 548.

Applicants respectfully traverse this restriction requirement. Applicants consider that all of the claims define a single invention and therefore, the provisions of 35 USC 121 do not apply. It is known that patents claiming compounds also include claims defining compositions containing the compounds, methods for using the compounds and methods for preparing the compounds.

The claims of groups I and II should be examined together because of the overlap between claim 1 and claim 9.

The method of use claims of group III should also be examined with the compound claims of groups I and II because 1) if the compound claims are novel and nonobvious, the use of the compounds to inhibit the growth of bacteria is also novel and nonobvious and 2) the method of treatment claims define inhibiting the growth of bacteria and do not define unrelated conditions.

The process claims 81-87 define specific groups of compounds of formula I and therefore, should also be examined with the claims of groups I, II and III.



Applicants submit that the present application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,

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